

**In the United States District Court for the District of Columbia**

**Major Sandra Fortson,  
2403 Carey Lane  
Vienna, VA 22181**

**Plaintiff,**

**v.**

**Thomas E. White, Secretary of the Army  
The United States Department of the Army  
The Pentagon  
Washington, DC 20310**

**Defendant.**

**Case No. \_\_\_\_\_**

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

1. This is an action under the Freedom of Information Act ("FOIA") 5 U.S.C. § 552, as amended, to order the production of agency records, consisting of any and all documents and written notes related to or referencing an Army Regulation 15-6 investigation concerning an equal opportunity complaint that the plaintiff made against her supervisors. Without these documents the plaintiff is severely hampered in appealing a finding of no discrimination by the defendant in a discrimination complaint she filed against her command.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Plaintiff Major Sandra Fortson is a member of the United States Army and is stationed at Headquarters, Army Material Command. She is the requester of the held records.

4. Defendant the United States Department of the Army is an agency of the United States, and it has possession of and control over the records that the plaintiff seeks.

5. By letter sent via first-class, pre-paid mail on July 10, 2000, to the Commander, US Army Legal Services Agency ("USALSA") in a FOIA and Privacy Act request plaintiff requested copies of any and all documents related to or referencing an Army Regulation 15-6 investigation concerning an equal opportunity complaint that the plaintiff made against her supervisors, including: a copy of the investigatory report regarding the discrimination complaint filed by the plaintiff; a copy of all witness statements and documents referenced, reviewed and/or relied upon during the investigation; a copy of all written notes and documented interviews and conversations regarding the investigation; a copy of any and all documents referencing the investigation and/or advising any of numerous people about the investigation; a copy of any and all documents that reference corrective actions taken as a result of the investigation; and any and all documents prepared by EO program manager LTC Daniel W. Johnson.

6. On February 15, 2001, plaintiff received a response to her FOIA and Privacy Act request. Much of the material she requested was withheld, deleted or redacted under exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552 (b)(5), (b)(6). On April 3, 2001, plaintiff filed an appeal of the withholdings, deletions and redactions. On October 26, 2001, the appeal was denied.

7. Plaintiff has a statutory right to the records she seeks, and there is no legal basis for defendant's refusal to disclose them to her.

WHEREFORE, plaintiff prays that this Court:

- (1) Declare that defendant's refusal to disclose the records to plaintiff is unlawful;
- (2) Order defendant to make the requested records available to plaintiff;

- (3) Award plaintiff his costs and reasonable attorneys' fees in this action; and
- (4) Grant such other and further relief as the court may deem just and proper.

December 7, 2001

Respectfully submitted,

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